

WOLLMUTH MAHER & DEUTSCH LLP

500 Fifth Avenue

New York, New York 10110

Telephone: (212) 382-3300

Facsimile: (646) 365-6849

William A. Maher, Esq.

Paul R. DeFilippo, Esq.

James N. Lawlor, Esq.

John D. Giampolo, Esq.

Adam M. Bialek, Esq.

ROLLIN BRASWELL FISHER LLC

8350 E. Crescent Pkwy., Suite 100

Greenwood Village, Colorado 80111

Telephone: (303) 945-7415

Facsimile: (303) 974-7468

Michael A. Rollin, Esq.

Maritza Dominguez Braswell, Esq. (*pro hac vice*)

Counsel for Lehman Brothers Holdings Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

LEHMAN BROTHERS HOLDINGS INC., *et al.*,

Debtors.

x
: Chapter 11
:
: Case No. 08-13555 (SCC)
:
: (Jointly Administered)
:
x

**DECLARATION OF ADAM M. BIALEK IN SUPPORT OF LEHMAN BROTHERS
HOLDINGS INC.'S MEMORANDUM IN REPLY TO THE RESPONSE OF HOME
LENDERS OF GEORGIA, LLC TO LEHMAN BROTHERS HOLDINGS INC.'S
MOTION FOR ENTRY OF AN OMNIBUS ORDER (I) TO ENFORCE AGAINST
NONCOMPLIANT MORTGAGE LOAN SELLERS, AND TO COMPEL THEM TO
COMPLY WITH, THE ALTERNATIVE DISPUTE RESOLUTION PROCEDURES
ORDER FOR INDEMNIFICATION CLAIMS OF THE DEBTORS AGAINST
MORTGAGE LOAN SELLERS, AND (II) FOR CIVIL CONTEMPT SANCTIONS
AGAINST SUCH NONCOMPLIANT MORTGAGE LOAN SELLERS FOR THEIR
VIOLATION OF THE ORDER**

Pursuant to 28 U.S.C. § 1746, ADAM M. BIALEK declares as follows:

1. I am an attorney with the law firm of Wollmuth Maher & Deutsch LLP counsel for Lehman Brothers Holdings Inc. (“LBHI”), as Plan Administrator under the *Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors*, confirmed by Order entered December 6, 2011 [ECF No. 23023], for the entities in the above-captioned jointly administered Chapter 11 cases. I make the statements set forth based on my personal knowledge and my review the documents referenced. I make this declaration to support LBHI’s accompanying memorandum in reply to the objection [ECF No. 54013] (the “Objection”), which Home Lenders of Georgia, LLC (“HLG”) filed on November 28, 2016 in response to LBHI’s motion, dated November 16, 2016 [ECF No. 53946] (the “Omnibus Sanctions Motion” or the “Motion”),¹ for entry of an omnibus order (i) to enforce against noncompliant mortgage loan sellers, and to compel them to comply with, the June 24, 2014 *Alternative Dispute Resolution Procedures Order for Indemnification Claims of the Debtors Against Mortgage Loan Sellers*, entered July 18, 2014 [ECF No. 45277] (the “ADR Order” or the “Order”), and (ii) for civil contempt sanctions against such noncompliant sellers for their violation of the ADR Order.

2. Under the certification of service, *see* [ECF No. 53946-66], on November 16, 2016, LBHI caused its Omnibus Sanctions Motion to be filed and served upon all thirty-six noncompliant counterparties or “Sellers” subject to the Motion. By the date hereof, only one of those thirty-six noncompliant Sellers filed an objection to the Motion. Although several such Sellers contacted LBHI and have attempted to resolve the Motion without further Court

¹ Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

involvement.

3. On May 29, 2014, LBHI caused HLG to be duly served with the ADR Motion. Annexed as **Exhibit “A”** is a copy of the affidavit of service [ECF No. 44559] for the ADR Motion which reflects service upon HLG.

4. On July 21, 2014, LBHI caused HLG to be duly served with the ADR Order. Annexed as **Exhibit “B”** is a copy of the affidavit of service [ECF No. 46692] for the ADR Order which reflects service upon HLG.

5. During a telephone conference on April 29, 2016, this Court directed HLG to comply with and attend mandatory mediation under the ADR Order and instructed HLG it is subject to the ADR Order. In addition, this Court expressed a great deal of skepticism over HLG’s counsel’s challenge to the Court’s jurisdiction over HLG.

I declare under penalty of perjury that the foregoing statements in this declaration are true and correct to the best of my knowledge, information and belief.

Dated: December 5, 2016

/s/ Adam M. Bialek
Adam M. Bialek